THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.21369 of 2005

-

Dated:24.10.2005

Between:

Sree Kanaka Durga Chicken Seller's Welfare Association,

D.no.9-4-170 SLN Colony, Uravakonda, Anantapur district.
Rep by its President L.Rasheed, S/o.Late Mahabub Saab, 25 Years,

R/o.Nimmagall Village, Uravakonda Mandal,
Anantapur District, and another.

..... PETITIONERS

AND

Gram Panchayat, Uravakonda, Anantapur District,

Rep by its Sarpanch, and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21369 of 2005

ORDER:

The first petitioner is an Association and the second petitioner is its Secretary. The petitioners filed the instant Writ Petition seeking a writ of Mandamus declaring the action of the Gram Panchayat, Uravakonda, in prohibiting the members of the petitioners' Association from selling chicken and mutton in their shops within the limits of the Gram Panchayat by issuing notice dated 23.02.2005. Be it noted that the second respondent by impugned notice informed the members of the petitioners' Association to shift their business to the shopping complex constructed near the Panchayat quarters. The members were also informed that if they fail to shift their business, the Gram Panchayat would seize the merchandize of the petitioners' chicken/mutton shops.

The learned Counsel for the petitioners submits that the prohibition imposed by the Gram Panchayat preventing the members of the petitioners' Association from carrying on their business in chicken and mutton shops is illegal and violative of Article 19(1)(g) of the Constitution of India. He also submits that no notice was issued before directing the petitioners to remove their shops in the shopping

complex.

At the stage of admission itself, the learned Standing Counsel was directed to get instructions in the matter. Today, he has produced the necessary file. He submits that all the members of the petitioners' Association themselves requested to reserve/allot shops for chicken/mutton shops in the new shopping complex near Panchayat quarters, and accordingly 11 shops were reserved for chicken traders and 11 shops were reserved for mutton traders in the new shopping complex constructed. He also submits that the Gram Panchayat has passed a resolution on 06.01.2005 authorising the Panchayat Secretary to see that all the chicken/mutton traders would shift their shops to the new shopping complex. He also brought to the notice of this Court that the second petitioner gave an undertaking on 23.12.2004 to the Panchayat Secretary agreeing to shift the shops to the new complex.

This Court has perused the file of the Gram Panchayat, which would show that the members of the petitioners' Association themselves requested the Gram Panchayat to allot shops in the new complex. It would further show that the Gram Panchayat, having regard to the unhygienic conditions that are being created by the chicken/mutton traders near their shops in the Village, directed their shifting to the new shopping complex. Therefore, it becomes clear that the first respondent has initiated this action keeping in view the health and hygiene of the villagers. When the Gram Panchayat has taken such action, the same cannot be arbitrary, and by doing so, the Gram Panchayat has never prohibited the petitioners to carry on their trade. The restriction is only imposed not to carry on their trade in the Village, but only to shift their shops to the place specifically allocated for carrying on their chicken/mutton trade. In that view of the matter, I do not find any illegality or infirmity in the action complained of.

The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

24.10.2005

vs